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09/927,224	08/09/2001	Nagasubramanian Gurumoorthy	42390P11633	4651

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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,224

Applicant(s)

GURUMOORTHY ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on May 5, 2005.
2. Claims 1-30 are presented for examination.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.
4. Applicant is required to submit an oath or declaration in proper form, identifying the application by application number and filing date, or a certificate by the officer before whom the original oath was taken stating that the oath was executed within the jurisdiction of the officer before whom the oath was taken when the oath was administered. The oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02. The office did not receive a declaration filed February 12, 2002, please submit another copy of the declaration.

Claim Rejections – 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrory et al, U.S. Patent 6,697,962 (hereinafter McCrory) in view of Sewell et al, U.S. Patent Application Publication, 2002/0165952 (hereinafter Sewell) and further in view of Turek et al, U.S. Patent 6,460,070 (hereinafter Turek).

7. McCrory and Sewell were cited in the last office action.

8. As per claims 1, 7, 12 and 25, McCrory taught the invention substantially as claimed comprising:

a storage medium comprising machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for:

launching an agent process to a host processing system (col. 4, lines 42-43);

receiving data to provide one or more diagnostic procedures at the agent host processing system from a data network coupled to the processing system (col. 4, lines 50-56); and

executing one or more of the diagnostic procedures on the host processing system (col. 4, lines 59-61).

9. McCrory did not teach providing one or more diagnostic results. Sewell taught providing reports of one or more of the diagnostic procedures executed as diagnostic result (page 6, paragraphs 52 and 53).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of providing reports of one or more of the diagnostic procedures executed would increase the user's alertness in McCrory's system by allowing the results of the diagnostic procedure to be notified to the user.

11. Although, McCrory taught executing one or more of the diagnostic procedures on the host processing system using various medication and alternative construction (i.e., diagnostic board is just an example of the preferred embodiment) (col. 10, lines 33-47), however, McCrory and Sewell did not specifically teach diagnostic procedures are executed using a firmware interface. Turek taught a similar invention comprising:

executing one or more of the diagnostic procedures on the host processing system using a firmware interface (col. 7, line 54-col. 8, line 18; col. 10, lines 36-41).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Turek's teaching of executing one or more of the diagnostic procedures on the host processing system using a firmware interface would increase the efficiency of McCrory's and Sewell's system by providing automatic means of diagnosing and correcting network problems in a network (col. 1, lines 6-11, 59-62).

13. As per claims 13 and 19, McCrory taught the invention substantially as claimed comprising:

a diagnostic source (120, fig. 1) coupled to the data network (130, fig. 1); and

a processing system comprising:

logic (e.g. processor) (col. 10, line 44-55) to launch an agent process (col. 4, lines 42-43);

logic (e.g. processor) (col. 10, line 44-55) to receive data to provide one or more diagnostic procedures from a data network (col. 4, lines 50-56); and

logic (e.g. processor) (col. 10, line 44-55) to execute the one or more diagnostic procedures in response to the agent process (col. 4, lines 59-61).

14. McCrory did not teach providing one or more diagnostic results. Sewell taught providing reports of one or more of the diagnostic procedures executed as diagnostic result (page 6, paragraphs 52 and 53).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of providing reports of one or more of the diagnostic procedures executed would increase the user's alertness in McCrory's system by allowing the results of the diagnostic procedure to be notified to the user.

16. Although, McCrory taught executing one or more of the diagnostic procedures on the host processing system using various medication and alternative construction (i.e., diagnostic

board is just an example of the preferred embodiment) (col. 10, lines 33-47), however, McCrory and Sewell did not specifically teach diagnostic procedures are executed using a firmware interface. Turek taught a similar invention comprising:

executing one or more of the diagnostic procedures on the host processing system using a firmware interface (col. 7, line 54-col. 8, line 18; col. 10, lines 36-41).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Turek's teaching of executing one or more of the diagnostic procedures on the host processing system using a firmware interface would increase the efficiency of McCrory's and Sewell's system by providing automatic means of diagnosing and correcting network problems in a network (col. 1, lines 6-11, 59-62).

18. As per claims 2, 8 and 26, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1, 7 and 25 above. Sewell further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for:

formatting the diagnostic results for transmission to a destination (page 6, paragraph 54);
and
transmitting the formatted diagnostic results to the destination through the data network (page 6, paragraph 54).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

20. As per claims 14 and 20, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 19 above. Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to format the diagnostic results for transmission to a destination (page 6, paragraph 54); and

logic (e.g. processor) (col. 10, line 44-55) to transmit the formatted diagnostic results to the destination through the data network (page 6, paragraph 54).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

22. As per claims 3, 9 and 27, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 2, 8 and 26 above. Sewell further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for

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formatting the diagnostic results according to an extensible markup language (page 6, paragraph 54).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

24. As per claims 15 and 21, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 14 and 20 above. Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to format the diagnostic results according to an extensible markup language (page 6, paragraph 54).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

26. As per claims 4, 10 and 28, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1, 7 and 25 above. McCrory further taught wherein the storage medium

comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for transmitting a message requesting the one or more diagnostic procedures through the data network in response to launching the agent process on the host processing system (col. 7, lines 2-27).

27. As per claims 16 and 22, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 19 above. McCrory further taught comprising logic (e.g. processor) (col. 10, line 44-55) to transmit a message requesting the one or more diagnostic procedures through the data network in response to launching the agent process on the processing system (col. 7, lines 2-27).

28. A per claims 5, 11 and 29, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1, 7 and 25 above. McCrory further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for launching an agent process to the processing system (col. 4, lines 42-43), the agent process comprising logic to transmit a request for the data to provide one or more diagnostic procedures to a diagnostic procedure source through the data network in response to launching the agent process (col. 7, lines 2-27).

29. A per claims 17 and 23, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 19 above. McCrory further taught comprising logic (e.g. processor) (col. 10, line 44-55) to transmit a request for the data to provide one or more diagnostic

procedures to a diagnostic procedure source through the data network in response to launching the agent process (col. 7, lines 2-27).

30. As per claims 6 and 30, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1 and 25 above. McCrory and Sewell further taught comprising:

transmitting an identifying code to a diagnostic source through the data network, the identifying code being associated with the agent process (col. 4, lines 22-28; col. 5, lines 29-32); and

selecting the data to provide one or more diagnostic procedures at the agent process based upon the identifying code (col. 4, lines 28-31); and

transmitting the selected data to the agent process through the data network (col. 4, lines 31-35).

31. As per claims 18 and 24, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 23 above. McCrory and Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to transmit an identifying code to a diagnostic source through the data network, the identifying code being associated with the agent process (col. 4, lines 22-28; col. 5, lines 29-32); and

logic (e.g. processor) (col. 10, line 44-55) to select data to provide one or more diagnostic procedures at the agent process based upon the identifying code (col. 4, lines 28-31); and

logic (e.g. processor) (col. 10, line 44-55) to transmit the selected data to the agent process through the data network (col. 4, lines 31-35).

32. Applicant's arguments with respect to claims 1-30, filed 5/5/05, have been fully considered but are not deemed to be persuasive and are moot in view of new ground of rejection.

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bereiter et al, U.S. Patent 6,145,096, disclosed a method of executing diagnostic procedures using firmware.

Sherman et al, U.S. Patent 6,594,765, disclosed a method of embedding agent that may be implemented in firmware in computer.

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this

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final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee



JOHN FOLLANSBEE
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2100